

REMARKS

The Non-Final Office Action, mailed November 2, 2006, considered claims 1-6, 8-25, and 27-34. Claims 33 – 34 were allowed. The remaining claims were either found allowable (i.e., claims 4-6, 8-9, 11-12, 21-25, and 30-31), but for the fact they were dependant upon a rejected base claim, or were rejected (i.e., claims 1-3, 10, 13, 14-20, 27-29, and 32) under 35 U.S.C. § 102(e) as being anticipated by newly cited Sinclair et al. (U.S. Patent 6,554,707).

By this paper, claims 1, 9, 14, 22 and 29 have been amended and claims 8, 21 and 30 have been cancelled. Claims 1, 13, 14, 28, 29, 32 and 33 are the only independent claims at issue.

It will be noted that allowable and now cancelled claims 8, 21 and 30 have been rewritten into independent claim format as amended claims 1, 14 and 24. In particular, all of the limitations of allowable dependent claims 8, 21 and 30 have been incorporated into the corresponding independent claims from which they depend. Accordingly, claims 1, 14 and 24 should now be found in immediate condition for allowance. The remaining independent claims have already been allowed (i.e., claim 33) or have been written in such a way that they incorporate by reference all of the limitations of claims 1, 14 and 24 (see claims 13, 28, 32). Accordingly, for at least the foregoing reasons, all of the independent claims and all of their corresponding dependent claims should now be found in immediate condition for allowance.

In view of the foregoing, Applicant respectfully submits that all of the pending claims are now in condition for immediate allowance and that all of the rejections to the claims are now moot and do not, therefore, need to be individually addressed on their merits at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.¹ In fact, Applicants strongly disagree with assertions made in the last action with regard to the purported teachings of newly cited Sinclair. For

¹Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any statements and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

example, among other things, Sinclair fails to teach or suggest any embodiment for enabling a host player to select participants to join a multi-play game that includes "automatically sending an electronic invitation to each of the one or more other persons selected by the host player, to join in playing the multiplayer online electronic game" or "providing an availability status for each person in the list of contacts...to identify persons in the list of contacts who are currently available for playing the multiplayer online electronic game", as recited in claim 1, for example, or "automatically launching an instance of the multiplayer online electronic game on each electronic device being operated by any player participating in the chat session...in response to a game initiating action performed by the host player so that any player participating in the chat session automatically becomes a participant in the multiplayer online electronic game", as recited in claim 14, for example, or "transmitting a voice chat message from the host player to any other player participating in the voice chat session...identifying a multiplayer online electronic game that the host player will be launching or has already launched...so that any player participating in the chat session who selectively launches the multiplayer online electronic game becomes a participant in the multiplayer online electronic game", as recited in claim 29, for example.

The Examiner referenced various passages in Sinclair (Figs. 6-10; col. 2, ll. 7-45; col. 5, ln. 59 to col. 6, ln. 65; col. 12, ln. 45 to col. 12, ln. 14; and col. 14, ln. 30 to col. 15, ln. 28) as purportedly teaching each of the foregoing elements, along with the other recited claim elements found within the independent claims. However, upon reviewing this disclosure and other disclosure in Sinclair, it does not appear as though Sinclair does teach or suggest the recited combination of elements referenced above, and as found within the independent claims. Instead, this cited disclosure merely identifies interactive and 'virtual space' type games that are configured for multiplayer embodiments. While it is clear that the players can communicate, such as through their mobile devices, the cited disclosure fails to teach or suggest the claimed elements referenced above, and as recited in combination with the other recited claim elements.

In fact, with regard to some of the recited claim elements, it will be noted that Sinclair does not even appear to disclose or teach how Sinclair's multiplayer games are launched for multiplayer or how invitations are sent for multiplayer embodiments.

Accordingly, in view of the foregoing, it will be appreciated that Applicant has amended the claims to expedite issuance of the allowed claims, and not to surrender subject matter or to

distinguish the claims from any cited art of record, inasmuch as the claims were already distinguished from the cited art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 8th day of December, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rick D. Nydegger', with a stylized flourish at the end.

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